

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**APRIL BECK, for herself and on
behalf of similarly situated others,**

Plaintiff,

v.

**VNA HOMECARE, INC., d/b/a
VNA TIP HOMECARE,**

Defendant.

No. 12-0330-DRH-PMF

**GAYLE HATFIELD, for herself and on
behalf of similarly situated others,**

Plaintiff,

v.

**VNA HOMECARE, INC., d/b/a
VNA TIP HOMECARE,**

Defendant.

No. 12-0331-DRH-PMF

**MICHELE MARLOW and
TONYA SMITH, for themselves
and on behalf of similarly
situated others,**

Plaintiffs,

v.

**VNA HOMECARE, INC., d/b/a
VNA TIP HOMECARE,**

Defendant.

No. 12-0332-DRH-PMF

ORDER

HERNDON, Chief Judge:

Pending before the Court are identical motions filed by plaintiffs in the each of the above cases requesting the Court toll the statute of limitations as to the putative class members. Plaintiffs contend that the tolling agreement entered into in *White v. VNA Homecare, Inc.*, 11-0971-DRH is inadequate as it only applies to “all claims held by Claimant”; the claims by plaintiffs in these actions are substantively different; and that *White* tolling agreement is only in effect until August 3, 2012. Defendant opposes the motion arguing that the *White* tolling agreement is sufficient, does not have a 90 day limitation on it and arguably applies to all the putative class members of the collective actions in these cases. Further, defendant contends that the *White* tolling agreement renders this motion moot.

Based on the reasons stated in plaintiffs’ motions, the Court **GRANTS** the motions. Further, the Court finds that the ten extra days from August 3, 2012 (the

date when plaintiffs contend that the *White* tolling agreement expires) to August 13, 2012 is not an excessive amount of time and should not adversely effect any of the parties. Thus, the Court tolls the statute of limitations from June 28, 2012 to August 13, 2012 for the putative class members in *Beck*, 12-0330 and in *Marlow*, 12-332-DRH and from June 29, 2012 to August 13, 2012 for the putative class members in *Hatfield*, 12-0331-DRH.

IT IS SO ORDERED.

Signed this 14th day of August, 2012.

Digitally signed by
David R. Herndon
Date: 2012.08.14
11:11:28 -05'00'

The block contains a handwritten signature in blue ink that reads "David R. Herndon". To the right of the signature is the official seal of the United States District Court for the Southern District of New York. The seal is circular, featuring an eagle with a shield on its chest, holding an olive branch and arrows. The words "UNITED STATES DISTRICT COURT" and "SOUTHERN DISTRICT OF NEW YORK" are inscribed around the perimeter of the seal.

**Chief Judge
United States District Court**